

**FILED**

**SEP 27 2006**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 WILLIAM L. OSTERHOUDT, ESQ. (SBN 043021)  
2 DOLORES OSTERHOUDT, ESQ. (SBN 215537)  
3 FRANK S. MOORE, ESQ. (SBN 158029)  
4 LAW OFFICES OF WILLIAM L. OSTERHOUDT  
135 Belvedere Street  
San Francisco, CA 94117  
Telephone: (415) 664-4600

Attorney for Defendant  
JASON ALLEN MARX

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,	)	No. CR 06-0316 MHP
	)	
11 Plaintiff,	)	<b>STIPULATION AND [PROPOSED] ORDER</b>
	)	<b>MODIFYING BAIL CONDITIONS</b>
12 vs.	)	
	)	
13 JASON ALLEN MARX,	)	DATE: September 19, 2006
	)	TIME: 1:15 p.m
14	)	PLACE: Courtroom E, 15th Floor
15 <del>Defendant.</del>	)	
	)	Hon. Elizabeth Laporte
	)	

IT IS HEREBY STIPULATED between the parties that:

**RECITATIONS**

Defendant JASON ALLEN MARX is charged with one count of violating 21 U.S.C. §§ 846, 841(b)(1)(A)(viii) and 18 U.S.C. §2, one count of violating 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(ii) and 18 U.S.C. §2, and one forfeiture count pursuant to 21 U.S.C. §§ 853. On May 11, 2006, the Court granted defendant release on a bail bond in the amount of \$1,000,000, of which \$700,000 is secured by the equity in two separate

1 real properties owned by defendant's parents, Mark and Jean Marx.

2 One of the properties is located at 1201 Edinburgh Street, in San  
3 Mateo, California ("Edinburgh Street property") and the second property  
4 is located at 967 Orange Avenue, San Carlos, California ("Orange Avenue  
5 property"). The Edinburgh Street property was appraised by Katona &  
6 Associates on May 11, 2006, at a value of \$1,335,000, and had  
7 encumbrances of \$451,539.28 (mortgage), and \$200,000 as a line of  
8 credit. On May 15, 2006, Mr. and Mrs. Marx signed the obligation of  
9 the deed of trust, listing the clerk of the United States District  
10 Court for the Northern District of California as the beneficiary of  
11 the property. As of May 11, 2006, the equity in the Edinburgh Street  
12 property was \$683,461.72. The Edinburgh Street property has not been  
13 subjected to any further encumbrances since May 11, 2006.

14 The Orange Avenue property was appraised by Katona & Associates  
15 on May 11, 2006, at a value of \$1,150,000, and had a mortgage  
16 encumbrance of \$472,000.00. On May 15, 2006, Mr. and Mrs. Marx signed  
17 the obligation of the deed of trust, listing Richard W. Wieking, the  
18 clerk of the United States District Court for the Northern District of  
19 California, as the beneficiary of the property. As of May 11, 2006,  
20 the equity in the Orange Avenue property was \$678,000.00. The Orange  
21 Avenue property has not been subjected to any further encumbrances  
22 since May 11, 2006.

23 Mark and Jean Marx desire to refinance the Orange Avenue property  
24 in order to pay off the approximate \$198,680 owing on the line of  
25 credit on the Edinburgh Street property and to renovate the Orange  
26 Avenue property. Upon paying off the approximate \$198,680 owing on the  
27

1 line of credit on the Edinburgh Street property, the line of credit  
2 will no longer be available to Mark and Jean Marx by the reconveyance  
3 of the deed of trust from National City Corporation. By paying off  
4 the approximate \$198,680 owing on the line of credit on the Edinburgh  
5 Street property, the equity in the Edinburgh Street property will  
6 exceed the \$700,000 required to secure the bail bond.

7 Mr. and Mrs. Marx have hired David Marx (no relation) of DaCor  
8 Financial, Inc., as their mortgage broker to arrange the refinancing  
9 of the Orange Avenue property. A loan has been approved by  
10 Residential Capital for \$715,000, the proceeds of which will pay off  
11 the existing lien of \$480,000, which is secured by the Orange Avenue  
12 property, as well as the approximately \$198,680 balance on the line of  
13 credit secured by the Edinburgh property, with the remaining \$35,000  
14 to be used for personal expenses and remodeling the Orange Avenue  
15 property. A true and correct copy of the conditional loan approval  
16 document is attached hereto as Exhibit "A."

17 In order to fund the loan, the deed of trust on the Orange Avenue  
18 property must be reconveyed. This can be accomplished in one  
19 simultaneous transaction through Fidelity National Title Company, 101  
20 South Ellsworth Avenue, San Mateo, California, Escrow Number 06-  
21 6024754-LL. The escrow officer who will be handling the transaction  
22 is Lori Lappe who can be contacted at (650) 548-0748.

23 The trustee and beneficiary of the deed of trust for the Orange  
24 Avenue property is Richard W. Wieking, clerk of the United States  
25 District for the Northern District of California. In order to  
26 reconvey the deed of trust, Richard W. Wieking must forward to escrow

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1 officer Lori Lappe of Fidelity National Title Company the original  
2 Note and Deed of Trust (a true and correct copy of which is attached  
3 hereto as Exhibit "B"), a signed Request for Full Reconveyance (a true  
4 and correct copy of which is attached hereto as Exhibit "C"), and the  
5 completed and signed Beneficiary Demand (a true and correct copy of  
6 which is attached hereto as Exhibit "D"). Lori Lappe's September 14,  
7 2006 letter securing Fidelity National Title Company's request for  
8 demand to Richard W. Wieking is attached hereto as Exhibit "E".

9

10 IT IS SO STIPULATED.

11

12 Date: \_\_\_\_\_

13

WILLIAM L. OSTERHOUDT,

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Attorney for Defendant Jason Marx

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17 Date: \_\_\_\_\_

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BARBARA SILANO, ESQ.

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Assistant United States Attorney

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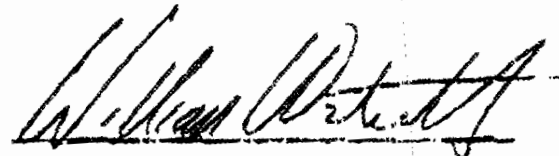
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1 which is attached hereto as Exhibit "D"). Lori Lappe's September 14,  
2 2006 letter securing Fidelity National Title Company's request for  
3 demand to Richard W. Winking is attached hereto as Exhibit "E".

4  
5 IT IS SO STIPULATED.

6  
7 Date: 9-19-06



8 WILLIAM L. OSTERHOUDT,

9 Attorney for Defendant Jason Mark

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11  
12 Date: 9/26/2006



13 BARBARA SILANO, ESQ.

14 Assistant United States Attorney  
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ORDER

Good cause appearing, Richard W. Wieking, the clerk of the United States District Court for the Northern District of California, shall, upon entry of this Order, do the following forthwith:

- (1) Send via facsimile or United States Mail to escrow officer Lori Lappe of Fidelity National Title Company, 101 South Ellsworth Avenue, San Mateo, California, 94401, facsimile number (650) 548-0749, the original Note and Deed of Trust;
  - (2) Sign the Request for Full Reconveyance (Exhibit "C" hereto) and send to Lori Lappe via facsimile or U.S. Mail;
  - (3) Sign the Beneficiary Demand form (Exhibit "D" hereto); and
- Escrow officer Lori Lappe of Fidelity National Title Company, shall pay off the line of credit from National City, loan number 4489298162091492, principal sum due \$198,680 (with accrued interest to date of payoff) and assure that the deed of trust thereon is reconveyed in order to eliminate the availability of the line of credit to Mr. and Mrs. Marx. The deed of trust designating Richard W. Wieking as the beneficiary and trustee shall remain in place on the Edinburgh property as the sole source for the \$700,000 surety for the bail bond.

IT IS SO ORDERED.

Dated: *Sept 27, 2006*

  
Magistrate Elizabeth Laporte

United States District Court